

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

JANE DOE, et al

NO. 6:21-cv-00430-DCJ-CBW

vs.

JUDGE DAVID C. JOSEPH

**EDOUARD d'ESPALUNGUE
d'ARROS**

**MAGISTRATE JUDGE CAROL
B. WHITEHURST**

**MOTION TO MODIFY JUDGMENT TO INCLUDE INTEREST PURSUANT TO
FRCP RULE 59(e)**

By Judgment dated January 19, 2024 [Doc. 98] the Court ordered that Plaintiffs' Motion for Default Judgment be granted and awarded compensatory damages to Plaintiffs (A.S., J.S and D.S.) totaling \$706,204.64; however, the judgment is silent as to legal interest being due from date of judicial demand until paid.

As more fully explained in the Memorandum in Support filed simultaneously herewith, Plaintiffs show that prejudgment interest is governed by state law in diversity cases such as the instant case and that under Louisiana law, an award of legal interest in tort cases is mandatory and automatically attaches by operation of law from date of judicial demand (02/22/2021) until paid pursuant to the statutory mandates of La. R.S. § 13:420.

This amendment is necessary to avoid any future dispute or confusion as to the total sum necessary to fully satisfy the judgment entered against Defendant. As communication with the

defendant, Edouard d’Espalungue d’Arros, is not possible, plaintiffs are unable to obtain consent for this motion.

Wherefore, pursuant to FRCP Rule 59(e), Plaintiffs respectfully request that the Court’s January 19, 2024, Judgment be amended to expressly provide that the Defendant shall pay all sums awarded “plus legal interest from date of judicial demand until paid in full”.

Respectfully submitted,

**DOMENGEAUX, WRIGHT, ROY
& EDWARDS, LLC.**

s/ Elwood C. Stevens, Jr.
Elwood C. Stevens, Jr. (#12,459)
Jefferson Towers, Suite 500
556 Jefferson Street
Lafayette, LA 70501
T: (337) 233-3033
F: (337) 232-8213
Email: elwoods@wrightroy.com

s/ Mildred E. Methvin
Mildred E. Methvin (#14619) T.A.
7414 Sardonyx St.
New Orleans, LA 70124
T: 337-501-1055
F: 888-298-0566
Email: memethvin@gmail.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this pleading was sent to the Defendant via email at ed.eda@gmx.com; edouard.dsp@outlook.com; d98891570@gmail.com; and edouarddespalungue@gmail.com.

/s/ Elwood C. Stevens, Jr.